

09-16-02

Customer No. 000959

CPA # 3763

REQUEST FOR CONTINUED PROSECUTION APPLICATION (CPA) UNDER 37 CFR 1.53(d)
(former Rule 1.62)

DOCKET NUMBER	ANTICIPATED CLASSIFICATION OF THIS APPLICATION:		PRIOR APPLICATION SERIAL NUMBER: 09/411,797	PRIOR APPLICATION FILING DATE: 10/01/99
ATA-257CPA	CLASS:	SUBCLASS:	EXAMINER: Lam, A	ART UNIT: 3763

COMMISSIONER FOR PATENTS
BOX CPA
WASHINGTON, DC 20231

CERTIFICATION UNDER 37 CFR 1.10

Date of Deposit: September 13, 2002 Mailing Label Number: EL 950 186 687 US

I hereby certify that this 37 CFR 1.53(d) request and the documents referred to therein as enclosed are being deposited with the United States Postal Service on the date indicated above in an envelope as "Express Mail Post Office to Addressee" service under 37 CFR 1.10 and addressed to the Commissioner for Patents, Box CPA, Washington, D.C. 20231.

Larry Taylor
Name of Person Mailing Paper

Larry Taylor
Signature of Person Mailing Paper

Dear Sir:

This is a request for filing a ☒ continuation ☐ divisional application under 37 CFR 1.53(d), of pending prior application serial no. 09/411,797 filed on 10/01/1999, entitled Expandable Fluoropolymer Device for Delivery of Therapeutic Agents and Method of Making which was filed by the following named inventor(s).

<u>FULL NAME OF INVENTOR</u>	<u>RESIDENCE ADDRESS</u>	<u>CITIZENSHIP</u>
Steve A. Herweck	12 Lansing Drive, Nashua, NH 03062	United States of America
	<u>POST OFFICE ADDRESS</u>	
	Same as above	
<u>FULL NAME OF INVENTOR</u>	<u>RESIDENCE ADDRESS</u>	<u>CITIZENSHIP</u>
Peter H. Gingras	24 Blossom Road, Windham, NH 03087	United States of America
	<u>POST OFFICE ADDRESS</u>	
	Same as above	
<u>FULL NAME OF INVENTOR</u>	<u>RESIDENCE ADDRESS</u>	<u>CITIZENSHIP</u>
Paul Martakos	1 Regis Drive, Pelham, NH 03076	United States of America
	<u>POST OFFICE ADDRESS</u>	
	Same as above	
<u>FULL NAME OF INVENTOR</u>	<u>RESIDENCE ADDRESS</u>	<u>CITIZENSHIP</u>
Theodore Karwoski	61 Hannah Drive, Hollis, NH 03049	United States of America
	<u>POST OFFICE ADDRESS</u>	
	Same as above	

The above-identified prior application in which no payment of the issue fee, abandonment of, or termination of proceedings has occurred, is hereby expressly abandoned as of the filing date of this Continued Prosecution Application. Please use all the contents of the prior application file wrapper, including the drawings, as the basic papers for the new application.

1. ☒ This application discloses only subject matter disclosed in the prior application whose particulars are set out above and the inventor(s) in this application are
 - ☒ the same, or
 - ☐ less than those named in the prior application. Please delete the following named inventors:
2. ☒ A preliminary amendment is enclosed.

The filing fee is calculated on the basis of the claims existing in the prior application as amended at 2 and 3 above.

	NUMBER OF CLAIMS FILED			NUMBER EXTRA
TOTAL	* 36	MINUS	** 20	= 16
INDEP.	* 7	MINUS	*** 3	= 4
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIMS				

SMALL ENTITY

RATE	FEE
x 9 =	\$ 144.00
x 42 =	\$ 168.00
+140 =	\$.00
BASIC FEE	\$370.00
TOTAL	\$682.00

OTHER THAN A SMALL ENTITY

RATE	FEE
x 18 =	\$.00
x 84 =	\$.00
+ 280 =	\$.00
BASIC FEE	\$.00
TOTAL	\$0.00

4. ☒ The Commissioner is hereby authorized to charge any additional fees under 37 CFR 1.16 and 1.17 which may be required, or credit any overpayments, associated with this communication, to Deposit Account No. 12-0080. **For this purpose a duplicate of this document is enclosed.**
5. ☒ A verified statement claiming small entity status was filed in the prior application Serial No. 09/411,797 on 11/19/99 and is still deemed proper, and its benefit under 37 CFR 1.28(a) is hereby claimed.
6. ☐ Priority of application Serial No. _____, filed on _____, in _____, is claimed under 35 U.S.C. 119.
7. ☒ The prior application is assigned of record to: Atrium Medical Corporation; recorded December 20, 1999, Reel 010504 Frame 02087.
8. ☒ The power of attorney in the prior application is to Lahive and Cockfield, LLP.
9. ☒ A request for a three-month extension of time has been submitted in the parent application, Serial No. 09/411,797, in order to establish copendency with the present application (a copy of the request for extension is enclosed).
10. ☒ Also enclosed: 11 sheets of Formal Drawings (with Formal Drawing Transmittal).
11. ☒ Information Disclosure Statement (IDS).
12. ☒ Address all future communications (may only be completed by applicant or attorney or agent of record) to Kevin J. Canning at Customer No. **000959**, whose address is:

LAHIVE & COCKFIELD, LLP
28 State Street
Boston, MA 02109

It is understood that secrecy under 35 U.S.C. 122 is hereby waived to the extent that if information or access is available to any one of the application in the file wrapper of a 37 CFR 1.53(d) application be it either this application or a prior application in the same file wrapper, the Patent and Trademark Office may provide similar information or access to all the other applications in the same file wrapper.

September 13, 2002

Date


Sean D. Detweiler, Reg. No. 42,482

☐ Inventor(s)

☒

Attorney or Agent of Record